

Eighty-Seventh Regular Session

WEDNESDAY, July 31, 1985

The chief clerk makes the following entries under the above date.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 273

Relating to orders to perform community service work.

By Senators Rude, Lee, Hanaway, Chilsen and Stitt; cosponsored by Representatives Johnsrud, Rosenzweig, Van Gorden, Ourada, Schneiders, Panzer, Musser, Tregoning, Goetsch, Plizka, Zeuske and Walling.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The joint committee for Review of Administrative Rules reports and recommends:

Senate Bill 94

Relating to recodifying and making technical and minor substantive changes in the administrative rule-making process.

Adoption of senate amendment 1:

Ayes, 8 -- Senators Plewa, Kincaid, Rude and Kreul, Representatives Brist, Holschbach, Cowles and Welch;

Noes, 0 -- None.

Adoption of senate amendment 2:

Ayes, 8 -- Senators Plewa, Kincaid, Rude and Kreul, Representatives Brist, Holschbach, Cowles and Welch;

Noes, 0 -- None.

Passage as amended:

Ayes, 8 -- Senators Plewa, Kincaid, Rude and Kreul, Representatives Brist, Holschbach, Cowles and Welch;

Noes, 0 -- None.

JOHN R. PLEWA
Co-chair

STEVEN C. BRIST
Co-chair

PETITIONS AND COMMUNICATIONS

Senate Petition 14

A petition by 53 residents of the State of Wisconsin in support of Wis. Stats. 125.06(6), relating to license and permit exceptions by the state for the sale of fermented malt beverages in any public park operated by a county or municipality.

By Senator Rude.

Read and referred to committee on Labor, Business, Veterans Affairs and Insurance.

State of Wisconsin
Department of State

July 24, 1985

To the Honorable the Senate

I have the honor to transmit to you the following information pursuant to s. 13.685(7):

Sincerely,

DOUGLAS LAFOLLETTE
Secretary of State

NEWLY REGISTERED LOBBYISTS AND THEIR PRINCIPALS:

CONTA, DENNIS J., c/o Conta & Assoc., 135 W. Wells St., Ste. 318, Milwaukee, WI 53203 (414) 276-3337

1) Dental Insurance of Wisconsin, Inc., 9000 Deerbrook Tr., Brown Deer, WI 53209 (414) 354-4050 (health care)

Terminations:

Syntex Laboratories, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, July 17, 1985

State of Wisconsin
Claims Board

July 19, 1985

Don Schneider
Senate Chief Clerk

To the Honorable, the Senate

Enclosed is the report of the State Claims Board covering claims heard on July 8, 1985.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

STATE OF WISCONSIN CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on July 8, 1985 upon the following claims:

Claimant	Amount
Doyle & Peterson	\$ 1,938.71
Great Lakes Packaging Corp.	7,921.52
Kickapoo Oil Co. Inc.	65,021.87

JOURNAL OF THE SENATE

In addition, the following claims were considered and decided without hearings:

Town of Manitowish Waters	\$1,500.00
Sandra Plzak	20.99
Marshall Boudry, M.D.	498.50
Jack & Jodi Sherman	240.00
Steven Silbar	75.00
James Funk	200.97
Ruth Ann Zabielski	660.03
Margaret Laatsch	91.80
Roy Bue	76.50

THE BOARD FINDS:

1. Alan Doyle and Neil Peterson, d/b/a Doyle & Peterson of Milwaukee, claim \$1,938.71 for refund of alleged excess use tax paid to the Department of Revenue as a result of a sales/use tax field audit of claimants' dental practice for the period July 1, 1970 through June 30, 1983. The Department of Revenue requested records from the commencement of the dental practice to July 1, 1979, because the partnership made numerous purchases of supplies out-of-state and never paid use tax. Claimants were unable to locate the records for the period of July 1, 1970 through June 30, 1978 and the Department of Revenue estimated the taxable purchases for that period pursuant to s. 77.59(9), Stats. Claimants did not file an appeal with the Department of Revenue within 60 days and the assessment became final pursuant to s. 77.5(2), Stats. The Claims Board disavows as precedent its October 17, 1983, decision of the claim of Baraboo Sysco Food Service, Inc. The Board concludes this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

2. Great Lakes Packaging Corp. of Germantown claims \$7,921.52 for a sales tax assessment plus interest as a result of an audit by the Department of Revenue in January, 1974. Claimant manufactured and sold corrugated boxes to moving companies from 1969 to 1974. The moving companies sold the boxes to their customers in conjunction with moving operations. As a result of the audit, the Department of Revenue declared these sales subject to sales tax. Claimant appealed the assessment to the Wisconsin Tax Appeals Commission which resulted in a reduced assessment of \$9,198.62 on January 23, 1975. On November 23, 1979, the Tax Appeals Commission in Leicht Transfer & Storage Co., Inc. vs. Department of Revenue, held that boxes sold to or purchased by movers "for resale" are excluded from sales tax under s. 77.51(4), Stats. The Claims Board disavows as precedent its October 17, 1983 decision of the claim of Baraboo Sysco Food Service, Inc. The Board concludes this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Kickapoo Oil Company of Hillsboro claims \$65,021.87 for a refund on motor fuel tax payments made to the Department of Revenue from January 1, 1981 to February 1, 1984. Claimant failed to file timely claims for

the refund with the Department of Revenue as required by s. 78.20(2), Stats. The Claims Board disavows as precedent its October 17, 1983 decision of the claim of Baraboo Sysco Food Service, Inc. The Board concludes this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

4. Town of Manitowish Waters claims \$1,500.00 for payment of state aids for operation of municipal water safety patrol services during the summer of 1984. The aid was denied by the Department of Natural Resources when a Department audit determined the patrol had not been adequately enforcing boating regulations as provided by s. 30.79, Stats. during 1984. Claimant also failed to file monthly reports of its patrol activity as required by s. NR 50.13(4)(c), Wis. Admin. Code. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employees and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

5. Sandra Plzak of North Fond du Lac claims \$20.99 for replacement of a pair of pants damaged by a spring that poked through her desk chair at the Department of Industry, Labor and Human Relations Job Service Office in Fond du Lac on May 16, 1985. The Board concludes the claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

6. Marshall Boudry, M.D., Waupaca claims \$498.50 for medical services provided to Wisconsin veteran William Basford on January 28 and 29, 1983 when Mr. Basford was admitted to Waupaca Riverside Community Hospital for an emergency condition. Claimant contacted the local veteran's service officer on January 28, 1983 to request authorization for emergency medical care for Mr. Basford. The medical assistance claim was denied by the Department of Veterans Affairs because they did not receive notice within 10 days of the date treatment was rendered as provided by s. VA 2.01(6), Wis. Adm. Code. The Board concludes the claim should be paid based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Department of Veterans Affairs appropriation s. 20.485(2)(vm), Stats. (Member Wilker not participating). Resources appropriation s. 20.370(1)(mu), Stats.

7. Jack and Jodi Sherman of Madison claim \$240.00 for medical expenses incurred in December, 1984, allegedly due to misinformation provided by the University of Wisconsin regarding health insurance coverage. Claimants cancelled their pre-existing insurance in reliance of advice from the UW-Madison Benefits Office that Jack Sherman obtained insurance coverage through his University employment effective December, 1984; however, the coverage did not actually begin until January, 1985. The Board concludes the claim should be paid in the reduced amount of \$120, based on

JOURNAL OF THE SENATE

equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s.20.285(1)(j), Stats.

8. Steven Silbar of Menomonie claims \$75.00 for the loss of cassette tapes allegedly stolen from his dormitory room on the University of Wisconsin-Stout campus, when his dorm room was left unlocked after a fire drill conducted on March, 29, 1985. During the alarm, all rooms were opened and checked. Claimant's room was allegedly left unlocked. The Board concludes the claim should be paid in the reduced amount of \$37.50, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., the claim should be paid from the University of Wisconsin appropriation s.20.285(1)(h), Stats.

9. James Funk of Waupun claims \$200.97 for damages incurred to his motorcycle when it tipped over in the parking lot at the Dodge Correctional Institute on April 17, 1985. The wind caused the motorcycle to fall over and an inmate of the Institute set the motorcycle upright. The motorcycle allegedly incurred additional damage as a result of the action of the inmate. The Board concludes there has been no showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

10. Ruth Ann Zabielski of Kansasville claims \$660.03 for damages incurred to her automobile as a result of a collision with a bicyclist in the Garner parking lot at Southern Wisconsin Center on September 14, 1984. The bicyclist was a resident of the Center and allegedly crossed claimant's path of travel, causing the accident. All but \$100 of the damages were paid by claimant's insurance carrier, Home Mutual Insurance Company. The Board concludes that that part of the claim paid by the insurance company should be denied based on the Board's long-standing policy concerning subrogation claims. The Board concludes that claimant should receive the reduced amount of \$50, based on equitable principles. The Board further concludes under authority of s.16.007(6m), Stats., payment should be made from the Claims Board appropriation s. 20.505(4)(d), Stats.

11. Margaret Laatsch of Phillips claims \$91.80 for replacement of her glasses which were damaged on November 30, 1984, while she was working as an employe of the Wisconsin Conservation Corps pruning spruce trees at Green's Creek Firelane in Price County. The Board concludes the claim should be paid in the reduced amount of \$68.85, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Wisconsin Conservation Corps appropriation s. 20.370(1)(jq), Stats.

12. Roy Bue of Taylor claims \$76.50 for replacement of his eyeglasses which were damaged on January 24, 1985, while he was working as an employe of the Wisconsin Conservation Corps cutting down trees in Jackson County. The Board concludes the claim should

be paid in the reduced amount of \$57.38, based on equitable principles. The Board further concludes under authority of s. 16.007(6m), Stats., payment should be made from the Wisconsin Conservation Corps appropriation s. 20.370(1)(jq), Stats.

THE BOARD CONCLUDES:

1. The claims of the following claimants should be denied:

- Doyle & Peterson
- Great Lakes Packaging Corp.
- Kickapoo Oil Company, Inc.
- Town of Manitowish Waters
- Sandra Plzak
- James Funk

2. Payment of the following amounts to the following claims is justified under s. 16.007, Stats.:

Marshall Boudry, M.D.	\$498.50
Jack & Jodie Sherman	120.00
Steven Silbar	37.50
Ruth Ann Zabielski	50.00
Margaret Laatsch	68.85
Roy Bue	57.38
Connie De Lory	20.00

Dated at Madison, Wisconsin this 17th day of July, 1985.

GARY R. GEORGE
Senate Finance Committee

WALTER KUNICKI
Assembly Finance Committee

JUAN B. COLAS
Representative of Governor

EDWARD D. MAIN
Representative of Secretary of Administration

WILLIAM H. WILKER
Representative of Attorney General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

July 23, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARY S. WILLIS of Eagle River to the Waterways Commission pursuant to the statute governing, to serve a term to expire March 1, 1986.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

JOURNAL OF THE SENATE

State of Wisconsin
Office of the Governor

July 23, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CAROLYN P. SNEED of Washburn to the Waterways Commission pursuant to the statute governing, to serve a term to expire March 1, 1986.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

State of Wisconsin
Office of the Governor

July 23, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint JAMES F. ROONEY of Racine to the Waterways Commission pursuant to the statute governing, to serve a term to expire March 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

State of Wisconsin
Office of the Governor

July 23, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VIRGIL ROBERTS of Holmen to the Waterways Commission pursuant to the statute governing, to serve a term to expire March 1, 1989.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

State of Wisconsin
Office of the Governor

July 23, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WILLIAM P. O'CONNOR of Madison to the Waterways Commission pursuant to the statute governing, to serve a term to expire March 1, 1988.

Respectfully,
ANTHONY S. EARL
Governor

Read and referred to committee on Energy and Environmental Resources.

State of Wisconsin
Executive Department

To the Honorable, the Senate:

As required by Article V, Section 6 of the Wisconsin Constitution, I submit this report of each case of executive clemency granted in 1984. Of 186 applications, 56 were granted, 47 applicants, none still serving their sentences, were granted pardons, 9 applicants were granted commutation.

ANTHONY S. EARL
Governor

Perry V. Ackeret, convicted in Taylor County of possession of marijuana and possession of marijuana with intent to give away and sentenced on 5/19/71 to one year in jail and 18 months in state prison concurrent was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

David W. Anderson, convicted in Winnebago County of petty theft and sentenced on 9/29/78 to 6 months probation and convicted in Winnebago County of attempted petty theft and sentenced on September 29, 1978 to 6 months probation, concurrent was granted a full pardon, because he has achieved a high rank in the National Guard and wishes to be eligible for further advancement in the military, is gainfully employed, has no other criminal record and sufficient time has passed since her convictions.

Donald Arnold, convicted in Milwaukee County of burglary and sentenced on 1/2/68 to 2 years imprisonment was granted a full pardon, because he has undergone treatment for his alcoholism, he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Thomas Babcock, convicted in Portage County of causing harm to a peace officer and sentenced on 5/11/76 to 1 year probation was granted a full pardon, because he has been active in his community, has undergone treatment for alcohol abuse, is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Byran Bartow, convicted in Milwaukee County of burglary and sentenced on 2/27/74 to ten years at Green Bay Reformatory; stayed with seven years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Vernell Bass, convicted in Dane County of delivery of cocaine and sentenced on 2/11/81 to 2 years imprisonment on first count, 5 years on second count and 10 years on third count, all consecutive and convicted in Dane County of delivery of heroin and sentenced on February 11, 1981 to 3 years, consecutive to other sentences was granted a commutation making sentences concurrent, because he has strong family support and a reduction in sentence would enable him to benefit from drug treatment programs.

Victor A. Biami, convicted in Milwaukee County of abandonment and sentenced on 12/3/53 to 1 to 2 years imprisonment was granted a full pardon, because he

JOURNAL OF THE SENATE

requires a pardon to continue his employment as a bartender and manager because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Jerry L. Brock, convicted in Milwaukee County of burglary and sentenced on 12/30/65 to three years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Steven Bublitz, convicted in Ozaukee County of burglary, 2 counts and sentenced on 8/9/72 to 2 years imprisonment on each count, concurrent and convicted in Ozaukee County of concealing stolen property and sentenced on August 9, 1972 to 2 years imprisonment was granted a full pardon, because he desires to adopt a child, he is gainfully employed, has no other criminal record and sufficient time has passed.

Hubert C. Canfield, convicted in Milwaukee County of burglary and sentenced on 6/21/64 to 3 years probation and convicted in Milwaukee County of possession of marijuana and sentenced on 1/31/68 to 3 years probation was granted a full pardon, because he has been active in his community, has worked with organizations, devoted to reducing juvenile delinquency and may seek a role in elected public office, has no other criminal record and sufficient time has passed.

Joseph Casey, convicted in Iowa County of prescription drug fraud, 2 counts and sentenced on 5/2/78 to 2 years imprisonment on each count, consecutive, later modified to concurrent was granted a full pardon, because he has undergone treatment for drug and alcohol abuse and has not used drugs or alcohol in 6 years and is seeking to adopt a child and he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Floyd Crawford, convicted in Rock County of forgery and sentenced on 2/14/83 to 8 years imprisonment was granted a commutation, because he has a record of excellent conduct while incarcerated, has been productively employed, has no other criminal record, has good prospects for employment in a minimum security setting and a commutation will enable a transfer to a lesser security.

Francis D. Dick, convicted in Shawano County of arson and sentenced on 1/16/59 to 5 years imprisonment was granted a full pardon, because he requires a pardon to continue service as a tribal police officer and he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Michael W. Fosholdt, convicted in Waukesha County of delivery of marijuana and sentenced on 2/5/76 to three years probation, 40 days Huber was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Gwendolyn D. Gillon, convicted in Dane County of aggravated battery and sentenced on 10/1/68 to three years probation with psychiatric care was granted a full pardon, because she is gainfully employed, has no other

criminal record and sufficient time has passed since her conviction.

Dave L.E. Gregory, convicted in Kenosha County of failure to pay child support and sentenced on 12/7/70 to four years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Michael Angelo Harrell, convicted in Milwaukee County of burglary and sentenced on 3/23/76 to 18 months imprisonment was granted a full pardon, because he has a B.S. degree in corrections with an emphasis on drug and alcohol counseling, has not used drugs or alcohol in 8 years and is eligible for a promotion in which a pardon will be of help and he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Katie Henry, convicted in Milwaukee County of forgery, PTAC and sentenced on 9/10/76 to 3 years probation was granted a full pardon, because she was involved in her offense at the direction of her work supervisor and she is gainfully employed, has no other criminal record and sufficient time has passed since her conviction.

Sherman Jackson, convicted in Milwaukee County of sexual intercourse with a child and sentenced on 1/3/64 to 15 months probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

William J. Jensen, convicted in Marinette County of delivery of marijuana and sentenced on 11/6/72 to 15 months probation was granted a full pardon, because he wishes to be able to hunt and because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Michael E. Jordan, convicted in Lincoln County of breaking and entering and sentenced on 4/24/69 to two years probation was granted a full pardon, because he requires a pardon to continue serving as a sheriff's deputy and he has no other criminal record and sufficient time has passed since his conviction.

Stephen R. Jordan, convicted in Dane County of delivery of marijuana and delivery of LSD and sentenced on 2/19/60 to 2 years probation and convicted in Dane County of shoplifting and sentenced on 2/1/73 to probation, term unknown was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Leo J. Kielski, convicted in Milwaukee County of larceny and sentenced on 10/26/53 to probation for one year was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

James Forest Knox, convicted in Rock County of sale of LSD, 2 counts and sentenced on 5/14/71 to five years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

JOURNAL OF THE SENATE

John Kurt, convicted in Dane County of armed robbery and sentenced on 2/4/74 to three years probation with 60 days in jail was granted a full pardon, because he requires a pardon to continue serving as a sheriff's deputy and he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

William Light, convicted in Racine County of abduction and sentenced on 8/12/74 to 2 years probation and convicted in Racine County of possession of controlled substances and sentenced on 8/12/74 to 2 years probation was granted a full pardon, because he needs clemency to be bonded for employment as a truck driver, has no other criminal record and sufficient time has passed since his conviction.

Ute Maley, convicted in Douglas County of second degree murder and sentenced on 6/10/82 to 10 years imprisonment was granted a commutation, because she suffers from deteriorating health and she has a record of excellent conduct while incarcerated, has been productively employed, has no other criminal record.

Thomas H. Manning, convicted in Milwaukee County of first degree murder, 2 counts and sentenced on 3/25/68 to two concurrent life sentences and convicted in Milwaukee County of attempted murder and sentenced on 3/25/68 to 30 years imprisonment, consecutive to other sentences was granted a commutation to a term of 75 years each on the murder convictions and make them concurrent with the sentence for attempted murder, because he has a record of excellent conduct while incarcerated, has been productively employed, has no other criminal record.

John William Mazurkiewicz, convicted in Ozaukee County of 4 counts of burglary, breaking and entering with another person (PTAC) and sentenced on 5/23/80 to three years on each of four counts of burglary, to be served concurrently with each other and consecutively with other sentences, and convicted in Ozaukee County of operating an automobile without owner's consent and sentenced on 5/23/80 to two years in Wisconsin State Prison, concurrent to time now serving and convicted in Ozaukee County of resisting an officer and sentenced on 5/23/80 to six months consecutive to all other time serving (concurrent to prior ten year sentence) was granted a commutation, because he has a record of excellent conduct while incarcerated, has been productively employed, has no other criminal record.

Donald Mercer, convicted in Milwaukee County of robbery and sentenced on 3/27/72 to 2 years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Robert Neely, convicted in Kenosha County of first degree murder and sentenced on 10/22/76 to life imprisonment was granted a commutation, because he has a record of excellent conduct while incarcerated, has been productively employed, has no other criminal record.

Elijah O'Neal, convicted in Milwaukee County of two counts of armed robbery and sentenced on 11/6/64 to

two concurrent terms of 15 years imprisonment was granted a full pardon, because he has been active in programs for ex-offenders and he has a record of excellent conduct while incarcerated and significant time has passed since the offense.

Michael G. Perry, convicted in Fond du Lac County of breaking and entering and sentenced on 9/11/74 to 2 years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Zettie Mae Scaggs, convicted in Milwaukee County of homicide by reckless conduct and sentenced on 8/23/72 to three years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Robert N. Sternbach, convicted in Milwaukee County of possession of marijuana and sentenced on 6/25/69 to 3 years probation was granted a full pardon, because he requires a pardon to acquire an ownership interest in a restaurant and bar and he has no other criminal record and sufficient time has passed since his conviction.

Suzanne R. Terkel-Lenz, convicted in Milwaukee County of possession of marijuana and sentenced on 4/29/68 to 2 years probation was granted a full pardon, because she is gainfully employed, has no other criminal record and sufficient time has passed since her conviction.

Douglas G. Tesch, convicted in Winnebago County of grand theft and sentenced on 7/12/65 to one year Green Bay - stayed - 2 years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Phillip W. Toms, convicted in Milwaukee County of DOCS-marijuana and sentenced on 12/4/75 to three years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

James Walker, convicted in Milwaukee County of attempted theft and sentenced on 11/7/70 to 2 years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Paulette M. Wegner, convicted in Dane County of shoplifting and sentenced on 7/14/70 to 30 days with Huber privileges was granted a full pardon, because she is gainfully employed, has no other criminal record and sufficient time has passed since her conviction.

L.C. Whitehead, convicted in Milwaukee County of violating curfew and disorderly conduct and sentenced on 8/5/67 and 9/5/67 to \$20.00 fine and \$50.00 fine and convicted in Milwaukee County of obstructing an officer and sentenced on 3/16/72 to sentence unknown, but suspended and convicted in Milwaukee of issuing worthless checks and sentenced on 10/18/73 to 6 months probation and \$64.00 fine was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

JOURNAL OF THE SENATE

Jerry Alexander, convicted in Milwaukee County of armed and masked robbery (PTAC) and sentenced on 4/30/75 to fifteen years stayed (first six months county jail) five years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed since his conviction.

Kenneth Braden, convicted in Milwaukee County of sexual intercourse with a child and sentenced on 10/23/74 to sentence withheld placed on probation for two years was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstance of the offense.

Lionel Walker, convicted in Kenosha County of 2 counts of armed robbery and sentenced on 2/28/74 to 14 1/2 years imprisonment on each count, consecutive was granted a commutation, because he has a record of excellent conduct while incarcerated, has been productively employed, and has been active to improve his prison community.

Patricia A. Lankford, convicted in Sauk County of operating a motor vehicle with owner's consent and sentenced on 11/15/60 to 2 years probation was granted a full pardon, because she is gainfully employed, and sufficient time has passed given the circumstances of the offense and she is counseling others afflicted with alcoholism and seeks to improve her employment opportunities.

Matthew F. Linden, convicted in Milwaukee County of misconduct in public office and sentenced on 9/30/80 to one year probation with first weekend in jail was granted a full pardon, because he has no other criminal record, and his offense did not appear to be part of a general practice or pattern of conduct and he requires a pardon to be able to return to public service.

Abdul Rasad Diaab, convicted in Milwaukee County of masked armed robbery (PTAC) and sentenced on 6/24/75 to 12 years imprisonment was granted a commutation, because he has a record of excellent conduct while incarcerated, has been productively employed and has been active to improve his prison community and he has been employed as a paralegal for the State Public Defender, aspires to a career in law, and wishes to move to Kansas to be reunited with his wife.

Woodrow Guilden, convicted in Milwaukee County of first degree murder and sentenced on 9/18/75 to life imprisonment and convicted in Milwaukee County of armed robbery and sentenced on 9/18/75 to 25 years imprisonment was granted a commutation, because he had had a record of excellent conduct while incarcerated, has been productively employed and has been active to improve his prison community and he has participated in programs and groups dedicated to educating juveniles about crime and improving conditions for fellow prisoners.

Ruby C. Lacy, convicted in Milwaukee County of armed robbery and sentenced on 4/26/73 to 10 years imprisonment was granted a full pardon, because she has no other criminal record, she has been gainfully employed and sufficient time has passed given the

circumstances of the offense and she seeks and is otherwise eligible for employment as a corrections officer and for a youth counselor.

Curtis Larson convicted in Ashland County of burglary and theft and sentenced on 5/5/75 to 2 years probation was granted a limited pardon, limited to permitting him possession, use, purchase and sale of firearms and relieving him of the disability imposed by Wis. Stats. 941.29 and because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offense.

John Lund, convicted in Portage County of burglary and sentenced on 10/8/58 to 3 years imprisonment and convicted in Portage County of larceny and sentenced on 10/8/58 to 3 years imprisonment, concurrent was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offenses and has contributed to the betterment of his community, in particular through his interest in ancient cultures and has a record of 26 years of lawful conduct.

Thomas J. Masters convicted in Washington County of delivery of amphetamines and sentenced on 9/24/73 to 5 years probation was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offense and has undergone drug and alcohol abuse treatment and has not used drugs or alcohol for four years, is the co-owner of a tavern and wishes to be able to hold a liquor license on his own.

John J. Niebuurt, convicted in Milwaukee County of armed robbery and sentenced on 5/17/62 to 10 years imprisonment and convicted in Brown County of armed robbery and sentenced on 10/23/67 to 20 years imprisonment and convicted in Brown County of burglary, 6 counts and sentenced on 10/23/67 to 5 years on each count concurrent to each other, and other sentences was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offenses and he requires a pardon to be able to possess firearms in his employment as a corrections officer.

Richard Rusch convicted in Oneida County of 9 counts of burglary and sentenced on 1/16/74 to 3 years imprisonment on each count, concurrent and convicted in Oneida County of possession of marijuana and sentenced on 1/16/74 to 90 days imprisonment, concurrent and convicted in Oneida County of possession of marijuana and sentenced on 1/29/74 to 6 months imprisonment, concurrent was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offenses and he requires a pardon for further advancement in his career as an auditor.

Robert Schultz convicted in Dane County of concealing stolen property and sentenced on 4/18/79 to 3 years probation with restitution and convicted in Dane County of concealing stolen property (misdemeanor)

and sentenced on 4/18/79 to 2 years probation was granted a full pardon, because he is gainfully employed, has no other criminal record and sufficient time has passed given the circumstances of the offenses and he was previously granted a limited pardon.

Diane Brachman Smits convicted in Manitowoc County of escape and sentenced on 9/16/70 to 3 years probation was granted a full pardon, because she has no other criminal record, she has been gainfully employed and sufficient time has passed given the circumstances of the offense and she has pursued a university degree and wishes to seek local elected office.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 84-50

AN ORDER to create PI 14.10 (1) (f), relating to uniform marking standards for driver education vehicles.

Submitted by Department of Public Instruction.

Withdrawn by agency.

Clearinghouse Rule 84-157

AN ORDER to renumber SS 2.02 (5); and to create SS 2.02 (5) (b), relating to time for review and determination on lobbyist license application.

Submitted by Secretary of State.

Report received from agency, July 26, 1985.

Referred to committee on Judiciary and Consumer Affairs, July 31, 1985.

Clearinghouse Rule 85-79

AN ORDER to create EIBd 1.57, relating to allocation of disbursements received from the Wisconsin election campaign fund.

Submitted by Elections Board.

Withdrawn by agency.

Clearinghouse Rule 85-81

AN ORDER to amend EIBd 1.04 (2), relating to the treatment of contributions, received and accepted after the election, to retire a campaign debt.

Submitted by Elections Board.

Withdrawn by agency.

The joint committee for Review of Administrative Rules reports and recommends:

NR 19.84 (2)(c) 2.a,b,c & e, a rule of the department of Natural Resources, relating to authorizing persons to destroy deer causing damage.

Suspension:

Ayes, 8 -- Senators Plewa, Kincaid, Rude and Kreul, Representatives Brist, Holschbach, Cowles and Welch;

Noes, 0 -- None.

JOHN R. PLEWA
Co-chair

STEVEN C. BRIST
Co-chair

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 85-40

AN ORDER to repeal and recreate ILHR 83.18 (1), (2) and (4), relating to the use of holding tanks as private sewage systems.

Submitted by Department of Industry, Labor & Human Relations.

No action taken.

Clearinghouse Rule 85-96

AN ORDER to create shoreland-wetland zoning regulations for Door county.

Submitted by Department of Natural Resources.

No action taken.

JOE STROHL
Chair

The committee on Agriculture, Health and Human Services reports and recommends:

Clearinghouse Rule 85-61

AN ORDER to amend Ag 17.02, relating to sampling and testing methods for fertilizer.

Submitted by Department of Agriculture, Trade and Consumer Protection.

No action taken.

Clearinghouse Rule 84-232

AN ORDER to create chapter Ag 161, relating to the regulatory program for the control of fertilizer or pesticide substances in groundwater.

Submitted by Department of Agriculture, Trade and Consumer Protection.

No action taken.

Clearinghouse Rule 85-68

AN ORDER to amend HSS 55.03, relating to day care centers for children.

Submitted by Department of Health and Social Services.

No action taken.

RODNEY C. MOEN
Chair

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 138 by Senator Chvala.